

VZCZCXRO6435
PP RUEHGR
DE RUEHSP #0060/01 0311847
ZNR UUUUU ZZH
P 311847Z JAN 08
FM AMEMBASSY PORT OF SPAIN
TO RUEHC/SECSTATE WASHDC PRIORITY 8957
INFO RUCNCOM/EC CARICOM COLLECTIVE
RUCPDOG/DEPT OF COMMERCE WASHDC
RUEAWJA/DEPT OF JUSTICE WASHDC

UNCLAS SECTION 01 OF 02 PORT OF SPAIN 000060

SIPDIS

SIPDIS

STATE FOR EB/TPP/IPE, INL, WHA/CAR
JUSTICE FOR OPDAT R LIPMAN

E.O. 12958: N/A

TAGS: [ETRD](#) [KIPR](#) [KCRM](#) [TD](#)

SUBJECT: T&T COPYRIGHT AMENDMENT DEBATE HIGHLIGHTS ROLE OF EDUCATION
IN CHANGING BEHAVIOR

REF: 07 Port of Spain 320

¶1. SUMMARY: Recent parliamentary debate on the Copyright Amendment Bill has drawn the attention of government officials and the media to the issue of intellectual property rights in Trinidad and Tobago. One Member of Parliament called for education to combat piracy and encourage good decision-making among at-risk youth. The proposed Amendment includes provisions to simplify enforcement and implement WIPO treaties. Debate is expected to resume in mid-February, at which time the Amendment is expected to pass with minor modifications. Recent and forthcoming INL-funded USG initiatives in T&T respond to points made during the debate thus far. END SUMMARY.

Education is Critical to Fighting Piracy

¶2. In recent years, IP advocates in T&T have used the annual Carnival season to draw attention to the hardship that music piracy creates for popular local musicians who give dozens of public performances from mid-January to mid-February. This year, following several post-Christmas, pre-Carnival raids on pirated CD and DVD vendors, parliamentarians got into the act too, as the Trinidad and Tobago Senate debated the long-awaited Copyright Amendment Bill. Minister of Legal Affairs Peter Taylor introduced the bill on January 16, generating significant interest from a number of his fellow Senators and local media.

¶3. The Copyright Amendment Bill strengthens enforcement not only by enhancing police search and seizure powers and authorizing Magistrates to levy charges based on a sample inspection of counterfeit goods, but also by allowing complaints to be filed by a non-exclusive licensee. Once passed, according to Ministry of Legal Affairs contacts, the bill will bring T&T into compliance with the World Intellectual Property Organization's (WIPO) Performances and Phonograms Treaty, as well as the WIPO's Copyright Treaty, both priorities for U.S. industry.

¶4. During Senate debate, opposition leader Wade Mark estimated that music and video piracy is a TT\$200 million to TT\$1 billion (US\$33 million to US\$160 million) industry that has a significant effect on the TT\$352 million (US\$60 million), 11,000 person local entertainment industry. Mark called for an educational campaign focusing on school-age children to help the public understand the impact of piracy, particularly on local artistes. He also, however, emphasized enforcement, challenging the Ministers of Legal Affairs and National Security to establish an anti-piracy unit within the Police Service or as part of the elite Special Anti-Crime Unit (SAUTT).

¶5. Fellow United National Congress (UNC) Senator Cindy Sharma, herself a school teacher, also focused her upper Chamber comments on

the need for better education, tying quality educational opportunities in fields such as music to good decision-making and respect for others among youth at risk of falling into criminal behavior. She stated, "We need to educate young people in making the correct choice from a moral point of view and to respect other people's property." Sharma called on the government to establish a music academy to cultivate young talent in a controlled environment. She further noted that while many young people are unconcerned with copyright violations, their involvement in the pirated music trade means they will be disproportionately affected by the legislation.

16. Minster Taylor, for his part, acknowledged the need for public education in opening remarks at a regional WIPO conference held January 21-25 in Port of Spain, announcing that the Legal Affairs Ministry would undertake an intense campaign to discourage the purchase of pirated goods. Taylor stressed the importance of implementing a legislative framework to discourage piracy, while also educating the public about intellectual property rights.

Prospects for the Amendment's Passage

17. Independent Senator Dana Seetahal voiced concern that the Copyright Amendment Bill contravened the fundamental rights of citizens as outlined in the constitution and thus required a special majority vote in Parliament. Specifically, she pointed to the powers granted to Magistrates, allowing them to charge defendants based on all goods confiscated, not just the sample inspected. In addition, Seetahal recommended the prosecutorial timeline for IPR violations be extended from six months to one or two years to allow police to properly investigate and prepare cases. She added that the current maximum sentence of 20 years was too long, suggesting a

PORT OF SP 00000060 002 OF 002

maximum sentence of 2 years. (NOTE: Following the Senate debate, a local magistrate issued to two vendors of pirated discs sentences amounting to TT\$60,000 (US\$9,600) or 2 years in prison each, reportedly the highest fines to date for piracy convictions in T&T. END NOTE.)

18. According to Tene Reece, Deputy Controller in the Ministry of Legal Affairs' Intellectual Property Office, the Senate returned the bill for minor revisions and postponed further debate until February 12 to allow additional members of the Opposition to speak. Despite the Opposition's interest in further debate, they have indicated their willingness to support the bill and ensure that it passes by a special two-thirds majority. Thus, Reece anticipates the bill will be passed in mid-February following further debate. Once the Senate has approved the bill, it will be debated in the House.

Local Organizations and Artists Weigh In

19. In a conversation with EconOff, Allison Demas, CEO of the Copyright Organization of Trinidad and Tobago (COTT), expressed optimism the Copyright Amendment would be passed with only minor changes. However, she cited enforcement of the law as the key challenge to combating piracy. Speaking at a promotional event, and perhaps recalling the Metallica-backlash from a few years ago, local musician Machel Montano recommended a softer approach, suggesting that sending young people to jail for copying CDs was too severe. Instead, he believes the energies of T&T's youth should be redirected toward the legitimate music industry.

110. COMMENT: While passage of the Copyright Amendment Bill will significantly enhance the enforcement powers afforded police and Magistrates with respect to intellectual property, the educational component of the GOTT's strategy to combat piracy will not only help address piracy, but also encourage young people to make the "correct choice" in a broader sense and ultimately help develop a more law abiding populace. Judging from local media commentary, this dimension of the Senate debate is resonating in a country that has been fixated on violent crime. As with most things here, going

beyond good intentions to implementation will be key.

¶11. COMMENT CONTINUED: We note two activities funded by State/INL in T&T are relevant to the Senate debate on the Copyright Amendment. During Carnival 2007, INL funds helped pay for our Fifth Annual Ambassador's Song and Verse Contest that aimed at raising awareness among student (and their teachers and families) of the importance of respecting intellectual property rights. As reported reftel, Post used last year's highly successful Song and Verse Contest to help the T&T Ministry of Legal Affairs get its foot in the door of the Ministry of Education and get an IPR curriculum into T&T classrooms.

On the enforcement side, INL is funding a series of workshops organized by USDOJ/OPDAT to help local authorities develop a handbook of best practices to detect, investigate, and prosecute IP violations. The first workshop is planned for March 11-13 in Port of Spain. END COMMENT

AUSTIN